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Materials for

CITIZENSHIP, IMMIGRATION AND GLOBALIZATION
LAW262H1S; GLAO211H; Spring 2012

SPRING 2012

VOLUME II

Professor Ayelet Shachar
Faculty of Law
University of Toronto

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UNIVERSITY OF TORONTO FACULTY OF LAW

UNIVERSITY OF TORONTO

MUNK SCHOOL OF GLOBAL AFFAIRS

CITIZENSHIP, IMMIGRATION AND GLOBALIZATION

LAW262H1S; GLAO211H; Spring 2012
Perspective/ICT/SUYRP course

PROFESSOR AYELET SHACHAR

Class Meeting Time: Monday 2:10-4:00
Office Hours (FL 408): Monday 4:00-4:30 or by appointment
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Citizenship and immigration have become a hot-button political issue in recent years in Canada, as well as in many other destination countries. Debates range from admission questions – who should be allowed to enter, according to what criteria, and for how long – to queries about the civil rights of migrants, cultural diversity, and the level of integration that can legitimately be expected from newcomers once they have settled in the country. Another emerging topic is the growing impact of economic remittances, transnational investments, and political contributions by dual citizens in both sending and receiving countries. This course will explore these new developments, placing them in the broader context of Canadian immigration law, history, and policy. We will also refer to comparative evidence from the United States, Australia, France, Germany, Ireland, Italy, the United Kingdom, and Singapore, as well as examine the changing conceptions of membership in leading emigrant-sending countries, including Mexico, India, and China. With this global perspective in mind, we will chart the new terrain for Canadian citizenship and immigration law for the twenty-first century.

EVALUATION

- Class participation (15%): Class meetings will be organized around a discussion of each week's readings. Class participation includes attendance, substantive participation in weekly discussions, and one in-class presentation of a comment paper (see below).
- 1,250 words (five-page) comment paper (15%): The comment paper will be a critical assessment of one or more of the sources on the reading list. Comment papers are due at 4 p.m. on the day before the class readings are scheduled to be discussed. Please e-mail the comment paper to ayelet.shachar@utoronto.ca. Each student is expected to use the five-page comment paper to illuminate an important question in the reading or to develop their own coherent argument based on the readings. The submission of the comment paper will be accompanied by a short in-class presentation of the paper. Students must sign up for the oral presentation of one of their comment papers ahead of time, during the second meeting of the seminar.
- Final research paper of 6,000-6,500 words (approx. 20 to 25 pages) (70%): The final paper's topic must be pre-approved by the instructor. A one-page outline of your paper and a preliminary bibliography must be turned in by 2:00 p.m., Monday, February 27, 2012. The final paper is due by 10 a.m. on the last day of the reading period, April 25, 2012 (Records Office).

READING MATERIALS

- The reading materials will draw upon Canadian and comparative jurisprudence and legislation governing citizenship and immigration law, as well as contemporary political theory, globalization studies, and social science literature. The reading material is assembled in a course packet, *Citizenship, Immigration and Globalization*, edited by Professor Shachar (Faculty of Law, University of Toronto, 2012). The course packet is available for purchase at the bookstore in the basement of the Law School. Additional copies will be placed on short-term reserve at the Bora Laskin Law Library. Course materials will also be posted on Blackboard.

I. FOUNDATIONS

1. The Classic Model of Sovereignty and the Challenges of Migration in the 21st Century

"Citizenship," in *Immigration and Citizenship: Process and Policy*, ed. Thomas Alexander Aleinikoff et al. (5th ed., West, 2003), p. 1 — 1

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2. Membership's Boundaries and the Shifting Borders of Immigration

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Bruce Ackerman, *Social Justice in the Liberal State* (Yale University Press, 1980), pp. 93-95 — 78

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II. Who Belongs? Citizenship and Immigration Law in a Nutshell

3. Who "Naturally" Belongs to the Political Community – and on What Basis?

Brian Seaman, "The 'lost Canadians'; Feature report on Citizenship," *LawNow*, July 1, 2008 83

Mario Bellissimo, "Bill C-37: The tale of lost and found Canadians," *Inside Immigration*, CBA, April 2010 87

Ayelet Shachar, "Children of A Lesser State: Sustaining Global Inequality through Citizenship Laws," in *NOMOS: Child, Family, and State*, ed. Stephen Macedo and Iris Marrion Young (NYU Press, 2003), pp. 345-395 94

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Twenty-Seventh Amendment of the Constitution Act 2004 [Ireland] 156

4. Family-Sponsored Immigration Categories – Who is Family?

"Family Class - Canada" in Emily Carasco et. al., *Immigration and Refugee Law: Cases, Materials, and Commentary* (Emond Montgomery, 2007), pp. 369-382 158

"New Rules of Engagement Proposed for Marriages Involving Migrants," *The Canadian Press*, March 29, 2011 166

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Kirk Semple, "U.S. drops deportation proceedings against immigrant in same-sex marriage," *New York Times*, July 1, 2011 174

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Anja Wiesbrock, "The *Zambrano* Case: Relying on Union Citizenship Rights in 'Internal Situations,'" *EUDO Citizenship Observatory* (EUI, March 2011) 180

5. Employment-Based Immigration: Point System for the Highly Skilled

Citizenship and Immigration Canada, "Skilled Workers and Professionals: Who Can Apply" (CIC, 2011; http://www.cic.gc.ca/english/immigrate/skilled/apply-who.asp) 183

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6. Temporary Admission Categories; the Migration-Development Nexus; Domestic Workers; Undocumented Migrants; Earned Citizenship

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"My Life as an Illegal," *Texas Monthly*, July 2006 374

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7. Asylum Seekers, Forced Migration & Movie Screening "Well-Founded Fear"

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Professor Shachar will offer introductory comments before the movie, which will be shown in class during our regular meeting time.

III. THE NEW FRONTIERS OF CITIZENSHIP AND IMMIGRATION

8. Shared Values; State and Religion; Return of Assimilation?

"France/Secularism," Statement of President Jacques Chirac, France, January 28, 2004 486

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Graeme Hamilton, "Quebec Demands Immigrants Sign-Off on 'Shared Values'," *National Post*, October 29, 2008 507

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9. Citizenship Tests in Public Law and the Rise of Privatized Diversity

Amitai Etzioni, "Citizenship Tests: A Comparative, Communitarian Perspective," 78 *Political Quarterly* 353 (2007) 546

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10. Naturalization, Dual Citizenship, and Transnationalism: Membership Beyond the Territory

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11. Regional or Postnational Citizenship; Where Europe and North America Diverge?

Article 20, "Citizenship of the Union," Consolidated Version of the Treaty on the Functioning of the European Union (TFEU), Official Journal of the European Union, C115/56, 9.5.2008 748

Christian Joppke, "The Inevitable Lightening of Citizenship," 51 *Archives Europeennes de Sociologies* 9 (2010) 751

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12. The Future of Citizenship in a Globalizing World: Strangers No More?

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